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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,145	04/13/2004	Masahiro Kisono	2271/72197	6384
23432 7590 11/14/2008 COOPER & DUNHAM, LLP 1185 AVENUE OF THE AMERICAS NEW YORK, NY 10036				
EXAMINER ANWARI, MACEEH				
ART UNIT 2444		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/824,145

Applicant(s)

KISONO, MASAHIRO

Examiner

MACEEH ANWARI

Art Unit

2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SI/ICE)
Paper No(s)/Mail Date 01/07/2008
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Applicant's Response

In the applicant's response for application 10/824,145 dated 8/1/2008, the applicant amended Claims 1-5, 7-8, 10, and 13-14. and argued against all the rejections and objections.

The objection set forth for improper drawings for Figures 5 and 14 are withdrawn because the applicant amended the drawings.

The rejection set forth under 35 USC 112 (2nd paragraph) for Claims 3-4 are withdrawn because the amended the claims to obviate the rejection.

Claims 1-16, as originally filed, are currently pending and have been considered below.
Claims 1, 7, 13, and 14 are independent claims.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 14-16 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 14-16:

The language of the claims raise a question as to whether the claims are directed merely to an abstract idea that would not result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

In summary, Claim 14 recites a "*system*" comprising "*a first network terminal apparatus*" (see Lines 2 and 5) and "*a second network terminal*" (see Line 3). Each of these elements of the "*system*" are software per se in that none of these elements comprise computer hardware. Thus, the "*system*" recited in Claim 14 is not within a statutory class as defined in 35 U.S.C. 101 (*i.e.*, a "process," a "machine," a "manufacture" or a "composition of matter").

Accordingly, Claim 14 fails to recite statutory subject matter as defined in 35 U.S.C. 101.

Dependent claims:

Claims 15-16 merely recite further definitions of the elements recited in Claim 14 or additional functions performed by the "*system*" of Claim 14. Thus, the "*system*" recited in Claims 15-16 is not within a statutory class as defined in 35 U.S.C. 101 (*i.e.*, a "process," a "machine," a "manufacture" or a "composition of matter").

Accordingly, Claims 15-16 fail to recite statutory subject matter as defined in 35 U.S.C. 101.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. **Claims 1- 16** rejected under 35 U.S.C. 103(a) as being unpatentable over **Kayashima et al.** (hereinafter **Kayashima**) U.S. Publication No.: 2003/0055939 A1, and further in view of **Henderson** U.S. Publication No.: 2006/0101071 A1.

Regarding **claim 1**, **Kayashima** teaches: a network terminal apparatus connected to other network terminal apparatuses via a network, the network terminal apparatus comprising: a memory; an acquiring unit that transmits a command requesting setting information to one of the other network terminal apparatuses, receives the setting information from the one of the other network terminal apparatuses in response to said command(Figures 2 & 5-8 and Abstract & Par. 53; transmission source, transmission destination and request from

network manager); a setting unit that sets the received setting information to the network terminal apparatus and stores the received setting information in the memory (Figures 2 & 5-8 and Abstract & Par. 53-54; transmission source, transmission destination and setting information to target product) a transmitting unit that retrieves the setting information from the memory, in response to receipt of an acquisition request from another one of the other network terminal apparatuses, requesting the setting information stored in the memory, and transmits the retrieved setting information to said another one of the other network terminal apparatuses in response to said acquisition request. (Figures 2 & 5-8 and Abstract & Par. 53-54; transmission source, transmission destination and setting information to target product).

Kayashima does not explicitly disclose wherein the target device is transmitting setting information to another target device.

The general concept of a client being able to do the same thing as a server is well known in the art as shown by **Henderson** (par. 97).

It would have been obvious to one of ordinary skill in the art at the time of the present invention to modify the teachings **Kayashima** with that of **Henderson** to allow for a more efficient network environment.

Claim 2: Wherein the command from the acquiring unit specifies a designated item of the setting information, and the network terminal apparatus receives the designated item from said one of the other network terminal apparatuses.

(Figures 2 & 5-8 and Abstract & Par. 53-54; transmission source, transmission destination and request from a network manager).

Claim 3: Wherein one of said other network terminal apparatuses is a setting information management server that manages the setting information of the network terminal apparatuses, and the network terminal apparatus acquires the setting information from the setting information management server (Figures 2 & 5-8 and Abstract & Par. 53-54; transmission source, transmission destination and request from a network manager).

Claim 4: Wherein the network terminal apparatus repeats the command at predetermined intervals, for acquiring the setting information from the setting information management server.

(Figures 2 & 5-8 and Abstract & Par. 53-54; transmission source, transmission destination and integrated management server).

Claim 5: The network terminal apparatus, further comprising: a transforming unit that transforms the received setting information into format-adjusted setting information, if format of the received setting information does not match format of the network terminal apparatus, transforms the received setting information into format-adjusted setting information (Figures 2 & 5-8 and Abstract; edit program, receive setting information file and communication program); wherein the setting unit sets the format-adjusted setting information to the network terminal apparatus and stores the format-adjusted setting information in the memory

(Figures 2 & 5-8 and Abstract; edit program, installing and setting information file and communication program).

Claim 6: Wherein the transforming unit transforms the received setting information based on style sheet that defines an attribute of each element of the setting information (Figures 2 & 5-8 and Abstract & Par. 53-54 & 68 & 70; transmission source, transmission destination and request from a network manager and XSL).

Claim 15: wherein said setting information received by said network terminal apparatus from said one of the other network terminal apparatuses from said one of the other network terminal apparatuses corresponds to the setting of said one of the other network terminal apparatuses (Figures 2 & 5-8 and Abstract & Par. 53; transmission source, transmission destination and request from network manager).

Claim 16: wherein said another one of the other network terminal apparatuses is set based on the setting information received by said another one of the other network terminal apparatuses from said network terminal apparatus (Figures 2 & 5-8 and Abstract & Par. 53; transmission source, transmission destination and request from network manager).

Regarding **claims 7- 14** they are substantially the same as **claims 1-6 & 15- 16** and are thus rejected for reasons similar to those in rejecting **claims 1-6 & 15- 16**.

Examiner Note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching of all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Response to Arguments

Claims (14-16) Rejection under 35 USC ~ 101 (a):

The applicant argues that the network terminal apparatus is hardware. However, the examiner interprets network apparatus as software because apparatus can include registry or control mechanisms with programmable instructions. The applicant needs to explicitly recite hardware in the claim language or cite the Specification where apparatus is explicitly defined as hardware.

Claims (1-16) Rejection under 35 USC ~ 103 (a):

Applicant's arguments filed 08/01/2008 have been fully considered but they are not persuasive. The applicant argues that Kayashima in view of Henderson does not disclose (i) "network terminal apparatus is configured to transmit a command requesting setting information to one of the other network terminal apparatuses", (ii) "receive the setting information from the one of the other network terminal apparatuses in response to the command", (iii) "set itself (that is, the network terminal apparatus) in accordance with the received setting information", (iv) and "store the received setting information in

its memory such that the network terminal apparatus can later retrieve setting information from the memory, in response to receipt of an acquisition request from another network terminal apparatus requesting the setting the setting information stored in the memory", (v) and "transmit the retrieved setting information to said another network terminal apparatus in response to the acquisition request."

The examiner disagrees.

(i) Paragraph 84 of the application states that "the requesting terminal transmits a command GetSettingRequest to the requested terminal." In other words, the system transmits a command that is functionally equivalent to a request, therefore a command requesting is functionally equivalent to a request information over a network. Thus, Kayashima discloses "network terminal apparatus is configured to transmit a command requesting setting information to one of the other network terminal apparatuses" in that the server accepts setting information request by using management program. In paragraph 31, Kayashima states "reference numeral 501 denotes a step at which the management program 2042 accepts an edit request of the setting information file 2032 of the target product 2082 from a user." Hence, Kayashima discloses this limitation.

(ii) Kayashima discloses this limitation in that the server accepts setting information request by using management program. In paragraph 31, Kayashima states "reference

numeral 501 denotes a step at which the management program 2042 accepts an edit request of the setting information file 2032 of the target product 2082 from a user."

Hence, Kayashima discloses this limitation.

(iii) Kayashima discloses this limitation in that the target accepts the communication request, receives the setting information file, starts installing program, and rewriting setting contents of target product (Fig 5, items 508-511). The applicant claim of "setting itself" in functionally equivalent to installing and rewriting the setting contents.

(iv) and (v) Kayashima discloses this limitation in that the system saves the setting information file, establishing communication with each target, and transfers the setting information file. (Fig 5, items 505 -507).

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MACEEH ANWARI whose telephone number is (571)272-7591. The examiner can normally be reached on Monday-Friday 7:30-5:00 PM ES.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

M.A.
/William C. Vaughn, Jr./
Supervisory Patent Examiner, Art Unit 2444